IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Le Pennec et al.
Serial No.:	09/665,524
For:	METHOD AND SYSTEM FOR RETRIEVING AN ANTI-VIRUS SIGNATURE FROM ONE OR A PLURALITY OF VIRUS-FREE CERTIFICATE AUTHORITIES
Filed:	September 19, 2000
Examiner:	La Forgia, C.
Art Unit:	2131
Confirmation No.:	5842
Customer No.:	27623 Attorney Docket No.: 909.0029USU

RESPONSE TO NON-FINAL OFFICE ACTION

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response is in reply to the non-final Office Action dated March 1, 2005. Claims 1 and 4-17 are pending in the application. Reconsideration of this application is respectfully requested.

It is noted with appreciation that the Office Action has indicated that claims 1 and 4-17 would be allowable if rewritten to overcome the rejection under the second paragraph of 35 U.S.C. 112 and the double patenting rejection. For the reasons set forth below, it is submitted that the rejections under 35 U.S.C. 112 and double patenting have been overcome and that claims 1 and 4-17 are now allowable.

The Office Action rejects claims 1 and 4-17 under the second paragraph of 35 U.S.C. 112 as indefinite. The Examiner contends that the term , "virus-free certificate" as used in claims 1 and 4-17 is indefinite because the specification does not clearly redefine the term, citing MPEP 2106. The Examiner contends that the specification must define/redefine the term "with reasonable clarity, deliberateness and precision and must "set out his uncommon definition in some manner within the patent disclosure" so as to give one of ordinary skill in the art notice of the change in meaning.

This rejection is traversed. The specification clearly describes the well known X.509 certificate at pages 6-8 and the virus-free certificate, which is recited in claims 1 and 4-17, at pages 15-19. It is submitted that the specification clearly supports and describes the term "virus-free certificate" in the contextual reference of the X.509 certificate so that claims 1 and 4-17 "particularly point out and distinctly claim the subject matter" that applicants regard as their invention, in compliance with the second paragraph of 35 U.S.C. 112. To this end, it is noted that independent claims 1 and 15-17 recite a combination of steps that involve a virus-free certificate. The specification at pages 15-19 clearly describes a virus-free certificate which one of ordinary skill in the art can compare to the standard X.509 certificate as described at pages 6-8 of the specification. It is submitted that the term, "virus-free certificate" as described in the specification does not conflict with the meaning of the X.509 certificate, but rather augments it with additional fields to impart usefulness as a certificate that an attachment is virus-free. It is submitted that the description of the X.509 certificate and the virus-free certificate in the specification clearly supports claims 1 and 4-17 so that they "particularly point out and distinctly claim the subject matter" that applicants regard as their invention.

Accordingly, for the reason set forth above, it is submitted that the rejection of claims 1 and 4-17 under the second paragraph of 35 U.S.C. 112 is erroneous and should be withdrawn.

The Office Action provisionally rejects claims 1 and 4-17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of co-pending Application, Serial No. 09/728,989, hereafter application 989. A Terminal Disclaimer with respect to the 989 application is submitted herewith. It is submitted that the Terminal Disclaimer obviates the rejection under the judicially created doctrine of double patenting.

For the reason set forth above, it is submitted that the rejection of claims 1 and 4-17 under the judicially created doctrine of double patenting obviated by the amendment and should be withdrawn.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 112 and the judicially created doctrine of double patenting be withdrawn, that claims 4-17 be allowed and that this application be passed to issue.

Respectfully Submitted,

Date: June 1, 2005

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